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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/06/2001

Martha L. Lyons

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12/13/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

ZAND, KAMBIZ

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,070

Applicant(s)

LYONS ET AL

Examiner

Kambiz Zand

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 1, 2, 4-6, 9 and 12 have been amended.
4. Claims 1-19 are pending.
5. Examiner withdraws objection to the claims 1-8 due to correction by the applicant.
6. Examiner withdraws rejection of claims 1-8 and 11 under 35 U.S.C 112-second paragraphs due to correction by the applicant.
7. Examiner withdraws rejection of claims 1-19 under 35 U.S.C 101 due to correction by the applicant, **however Examiner requests that applicant to identify the status of claims 1-8 as a system, or an apparatus claim in response to this office action.** Applicant's response (see page 9 of the response) only indicates that claims 1-8 are **not a method** claims.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. **Claims 1, 3-4, 7-12 and 15-18** are rejected under 35 U.S.C. 102(e) as being anticipated by Rabowsky (6,141,530 A).

As per claims 1, 9 and 18 Rabowsky (6,141,530 A) teach a clearinghouse, method and apparatus for providing verified entitlement information to at least one entitlement service provider (see abstract), said clearinghouse (see col.7, lines 14-18 where examiner consider DMS as corresponding to applicant's clearinghouse) comprising: a database operable to receive said entitlement information from an entitlement enterprise (see col.7, lines 61-col.8, line 11); a secure access point operable to allow authorized ones of said at least one entitlement service provider to interactively access said clearinghouse (see col.4, lines 11-16; col.7, lines 55-60); a clearinghouse monitor operable to control access to said clearinghouse from said secure access point responsive to access information provided by said entitlement enterprise; and a data structure, wherein said data structure is adapted for searching said database for entitlement information responsive to data provided by said entitlement service provider; assembling a list of entitlement information from entitlement parties; authorizing access to said list of entitlement information based on corresponding access information; providing entitlement service suppliers with authorization secure access to said list; and searching said list for entitlement responsive to identification data provided by said entitlement service suppliers provider; means for receiving said entitlement information

and access information from an entitlement party; means for storing said entitlement information and said access information; means for securing an interface to said entitlement authority; means for authorizing access to said entitlement authority responsive to said access information; means for receiving data from an entitlement service provider for verifying entitlement; code for searching said stored entitlement information using said data; means for providing results of said searching; and means for updating said stored entitlement information provider (see col.7, line 13-67; col.8, lines 1-42; col.10, lines 26-34; also see entire reference for detailed; please note examiner considers the content provider such as theaters, cable providers and set top boxes as examples of service providers in this reference; Also note that examiner considers data or content distributed by the content providers to a service providers to the end users either directly or indirectly where the process of providing content based on request and authorization confirmation for receiving such content where such content are stored in a database or storage location as being disclosed by the above reference in detailed as teaching the applicant's above process or method or system or apparatus. The arguments on how such delivery of the content is being done is considered as design choice only (recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art if prior art has the capability to do so perform (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987))).

As per claim 3 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 further

Art Unit: 2132

comprising: an authorization communicated to said entitlement service provider responsive to said data structure finding said entitlement information and revised access information (see col.7, lines 37-60; col.10, lines 26-34).

As per claim 4 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 further comprising: an automated update resource operable to initiate communication with said entitlement enterprise to obtain revised entitlement information (see col.10, lines 26-34).

As per claim 7 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 wherein said clearinghouse monitor compiles lists of entitlement information corresponding to a user responsive to a request from said user (see col.7, line 5-col.8, line 41).

As per claim 8 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 wherein said clearinghouse monitor compiles lists of access information corresponding to ones of said at least one entitlement service provider responsive to a request from said ones of said at least one entitlement service provider (see col.7, line 5-col.8, line 41).

As per claim 10 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the step of: issuing a code to said entitlement service suppliers indicative of results of said searching step (see col.9, lines 65-67; col.8, lines 1-2 where the key word is considered by examiner to corresponds to applicant's code).

As per claim 11 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the step of: verifying entitlement for said entitlement service suppliers responsive to finding said entitlement in said searching step (see col.7, line 5-col.8, line 41).

As per claim 12 Rabowsky (6,141,530 A) teach the method of claim 9 wherein said assembling step comprises the steps of: electronically accessing said list of entitlement information by said entitlement parties with authorization; and transmitting said entitlement information from said entitlement parties to said list of entitlement information (see col.7, line 5-col.8, line 41).

As per claim 14 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the step of: updating said list of entitlement information responsive to entitlement use information transmitted by said entitlement service suppliers with authorization (see col.10, lines 26-35; col.3-8).

As per claim 15 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the steps of: automatically establishing a communication connection between said list of entitlement information and said entitlement parties with authorization; obtaining revised entitlement information from said entitlement parties; and updating said list of entitlement information with said revised entitlement information (as applied to claim 1 and 13 above).

As per claim 16 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the steps of: compiling a list of entitlement information corresponding to a user; and presenting said list of entitlement information to said user (see col.7-8).

As per claim 17 Rabowsky (6,141,530 A) teach the method of claim 9 further comprising the steps of: compiling a list of access information corresponding to one of said entitlement service suppliers; and presenting said list of access information to said one of said entitlement service suppliers (see col.4-10).

Claim Rejections - 35 USC § 103

10. **Claims 5, 6, 13 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (6,141,530 A) in view of Akins et al (6,744,892 B2).

As per claim 2 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 as applied above but do not disclose a certification engine for providing certified results from said data structure search. However Akins et al (6,744,892 B2) disclose a certification engine operable to provide certified results from said data structure search (see fig.21, 23,25 and 29 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Akins et al.'s certification method

in Rabowsky (6,141,530 A)'s interactive content delivery system in order to provide dynamic access and authentication for services renders.

11. Claims 5, 6, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabowsky (6,141,530 A) in view of Katz (6,570,967).

As per claim 5 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 as applied above but do not disclose wherein said secure access point includes a controlled access computer terminal operable to allow manual entry of entitlement information provided by said entitlement enterprise. However Katz (6,570,967) disclose wherein said secure access point includes a controlled access computer terminal for manually entering entitlement information provided by said entitlement enterprise (see col.13, lines 33-43). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's manual entering terminal in Rabowsky (6,141,530 A)'s interactive system in order to provide digital control signal, audio control signal.

As per claim 6 Rabowsky (6,141,530 A) teach the clearinghouse of claim 1 as applied above but do not disclose wherein said secure access point includes an interactive voice response (IVR) unit operable to facilitate verbal access to said clearinghouse. However Katz (6,570,967) discloses wherein said secure access point includes an interactive voice response (IVR) unit for facilitating verbal access to said clearinghouse

Art Unit: 2132

(see abstract; fig.1-3 and associated text). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's voice interface in Rabowsky (6,141,530 A)'s interactive system in order to provide digital control signal, audio control signal.

As per claim 13 Rabowsky (6,141,530 A) teach the method of claim 9 as applied above but do not disclose wherein said assembling step comprises the steps of: receiving entitlement information from said entitlement parties; and manually entering said entitlement information onto said list of entitlement information. However Katz (6,570,967) disclose wherein said assembling step comprises the steps of: receiving entitlement information from said entitlement parties; and manually entering said entitlement information onto said list of entitlement information (see col.13, lines 33-43). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's manual entering terminal in Rabowsky (6,141,530 A)'s interactive system in order to provide digital control signal, audio control signal.

As per claim 19 Rabowsky (6,141,530 A) teach the entitlement authority of claim 18 as applied above but do not disclose wherein said means for receiving steps and said means for providing step include means for providing voice interaction with said entitlement authority. However Katz (6,570,967) disclose wherein said means for receiving steps and said means for providing step include means for providing voice interaction with said entitlement authority (see fig.1-3 and associated text). It would

have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Katz's voice interface in Rabowsky (6,141,530 A)'s interactive system in order to provide digital control signal, audio control signal.

Conclusion

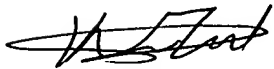
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally be reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 2132

supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

12/09/2005

AU 2132